



Loudoun County, Virginia

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Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Tuesday, December 5, 2006 at 9:30 a.m.

PRESENT: Scott K. York, Chairman
Bruce E. Tulloch, Vice Chairman
James G. Burton
James E. Clem
Eugene A. Delgaudio
Sally Kurtz
Stephen J. Snow
Mick Staton Jr.
Lori L. Waters

IN RE: RURAL POLICY AREA AMENDMENTS / ZMAP 2005-0042, ZMAP 2006-0002, ZOAM 2005-0002, AND DOAM 2005-0003

Mr. Staton moved that the Board of Supervisors approve the adoption of the resolution adopting the proposed amendments identified as ZOAM 2005-0002, ZMAP 2005-0042, ZMAP 2006-0002, and DOAM 2005-0003, as set forth in Attachments 2 and 3.

Seconded by Mr. Clem.

Mr. Burton made a substitute motion that the Board of Supervisors adopt the Clem-Burton Proposal, as prepared by staff for the September 5, 2006 Business Meeting.

Seconded by Ms. Kurtz.

Voting on Supervisor Burton's substitute motion: Supervisors Burton, Kurtz, York, and Waters - Yes; and Supervisors Clem, Delgaudio, Snow, Staton, and Tulloch - No. Motion Failed.

Mr. Burton moved an amendment that the Board of Supervisors change the cluster density in the AR-1 District from one unit per five acres to one unit per ten acres.

Seconded by Ms. Kurtz.

Voting on Supervisor Burton's amendment: Supervisors Burton, Kurtz, York, and Waters - Yes; and Supervisors Clem, Delgaudio, Snow, Staton, and Tulloch - No. Motion Failed.

Mr. Burton moved an amendment that the Board of Supervisors change the requirement for the rural economy lot in AR-1 in Section 2-103 (C)(4) from seven-acre minimum to 15 acre minimum.

Seconded by Ms. Waters.

Voting on Supervisor Burton's amendment: Supervisors Burton, Kurtz, Tulloch, Waters, and York - Yes; and Supervisors Clem, Snow, Staton, and Delgaudio - No. Motion Passed.

Without objection, the Board accepted the following as friendly amendments brought forward by Mrs. Waters:

1) Amend Section 5-601 (A)(3) [page A161 beginning at line 1] Weddings, Weddings, receptions private parties, meetings and similar activities may be held at the Bed and Breakfast with the maximum number of attendees based on the maximum sleeping capacity of the facility. The hosting of the aforementioned gatherings in excess of the sleeping capacity of the facility may be held up to ten times per calendar year. A minimum of 14 days shall lapse between such gatherings. Written notice shall be provided 30 days in advance of the gathering to the Zoning Administrator. Such notice shall be accompanied by proof of any necessary approvals from County agencies, such as the Health Department and the Fire Department. Additional gatherings may be held in accordance with Section 5-642, Banquet/Event Facility, with the approval of a Minor Special Exception.

2) Amend Section 5-601 (B)(2) [page A162 beginning at line 24] Weddings, receptions private parties, meetings and similar activities may be held at the Country Inn with the maximum number of attendees based on the maximum sleeping capacity of the facility. The hosting of the aforementioned gatherings in excess of the sleeping capacity of the facility may be held up to ten times per calendar year. A minimum of 14 days shall lapse between such gatherings. Written notice shall be provided 30 days in advance of the gathering to the Zoning Administrator. Such notice shall be accompanied by proof of any necessary approvals from County agencies, such as the Health Department and the Fire Department. Additional gatherings may be held in accordance with Section 5-642, Banquet/Event Facility, with the approval of a Minor Special Exception.

3) Map Change

The parcel identified as PIN 174-27-8310 (Tax Map 11, Parcel 148A) will maintain the RC (Rural Commercial) classification on that portion of the property currently zoned RC, and the remainder of the property will be rezoned to the AR-1 classification from its current A-3 classification. Supervisor Waters further moved that the Board of Supervisors find that this change is based on an approved site plan for the development of this portion of the property under the RC classification combined with the location of existing commercial development immediately to the west of this parcel.

Without objection, the Board accepted the following as friendly amendments brought forward by Ms. Kurtz:

- 1) Amend the definition of "Rural Corporate Retreat" in Article 8 after "institution of higher learning" add "**or management consulting firms.**" The second sentence of the definition as shown on A349, and is amended as follows: "Rural corporate retreats may be utilized for basic and applied research services and education wherein the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms."
- 2) Amend Section 5-601 (B)(7)(c), Yard Standards for County Inn, add "**or 100 feet from a lot line of a property having a commercial use**" after "250 feet minimum from all lines."

Mr. Snow moved to amend the main motion to remove all existing CR1, CR2, CR4 and RC zonings in areas contiguous to village overlay districts, towns, and JLMA so that CR and RC zonings will remain in effect in those areas consistent with the recommendation of the Planning Commission.

Seconded by Mr. Delgaudio.

Without objection, Mr. Snow withdrew the amendment.

Mr. Snow moved to amend the main motion to remove parcel owned by Mann's which has been identified as MCPI 382161234.

Seconded by Mr. Delgaudio.

Without objection, Mr. Snow withdrew the amendment.

Mr. Snow moved to amend the main motion to classify portions of Little Piney Run Estates, identified as PIN 472364047 and PIN 472485830 that are currently zoned as CR1 to RC (Rural Commercial District) and further direct staff to administer the planned use for this 17 acre area as rural village consistent with the Village of Loudoun Heights.

Seconded by Mr. Delgaudio.

Without objection, Mr. Snow withdrew the amendment.

Mr. Snow moved that all applications for a preliminary plan that have been accepted for review by Loudoun County's Building & Development by December 5, 2006 shall be governed by existing rules and regulations under which they were submitted for a period not to exceed six months. (This motion died for lack of a second).

Voting on Supervisor Staton's Motion, as amended: Supervisors Clem, Delgaudio, Snow, Staton, and Tulloch - Yes; and Supervisors Burton, Waters, York, and Kurtz - No. Motion Passed. The Board adopted the following resolution:

**LOUDOUN COUNTY BOARD OF SUPERVISORS
RESOLUTION**

IN RE: ADOPTION OF AR (AGRICULTURAL RURAL) ZONING MAP AND ZONING DISTRICT REGULATIONS; AMENDMENTS TO THE LOUDOUN COUNTY ZONING ORDINANCE; REENACTMENT AND READOPTION OF THE FLOODPLAIN OVERLAY DISTRICT REGULATIONS AND MOUNTAINSIDE DEVELOPMENT OVERLAY DISTRICT REGULATIONS; AMENDMENTS TO THE LAND SUBDIVISION AND DEVELOPMENT ORDINANCE AND FACILITIES STANDARDS MANUAL

WHEREAS, on May 20, 2005, the Circuit Court of Loudoun County struck the AR-1 and AR-2 zoning districts as included on the comprehensive zoning map of Loudoun County for the Rural Policy Area , after the Supreme Court of Virginia found the published notice deficient for these zoning districts; and

WHEREAS, the Board of Supervisors subsequently reviewed and studied the comprehensive plan and zoning regulations for the Rural Policy Area affected by the court's action; and

WHEREAS, among other information, the Board reviewed the studies and data compiled as part of the adoption of the *Revised General Plan* in 2001, which plan supported reduced density in the Rural Policy Area for a number of reasons, including the limited transportation system and the goal of promoting agriculture and other rural economy uses; and

WHEREAS, the Board of Supervisors reaffirmed the two sub-areas of the Rural Policy Area as set out in the *Revised General Plan*; and

WHEREAS, on November 17, 2005, the Board of Supervisors initiated a revision to the Loudoun County zoning ordinance and map to implement the comprehensive plan for the County by revising the AR-1 and AR-2 district regulations and reinstating those districts as part of the comprehensive zoning map; and

WHEREAS, the Board's action included the initiation of related amendments to the Land Subdivision and Development Ordinance (LSDO) and Facilities Standards Manual (FSM); and

WHEREAS, the Planning Commission and Board of Supervisors conducted public hearings on the amendments and received extensive public comment; and

WHEREAS, on March 20, 2006, the Planning Commission recommended the proposed amendments for adoption; and

WHEREAS, the Board of Supervisors conducted hearings on the proposed amendments on June 7 and 10, 2006, and November 29, 2006; and

WHEREAS, the Board of Supervisors wishes to restore the rural districts as part of the comprehensive zoning map for the County along with changes to the zoning ordinance text and related LSDO and FSM amendments; now, therefore,

BE IT RESOLVED, as follows:

Section 1. Adoption of Zoning Map. The zoning map of the County of Loudoun is hereby amended and adopted to include the AR-1 and AR-2 zoning districts. The new, amended map is identified as Map No. 2006-052, dated July 17, 2006, along with the reenacted Floodplain Overlay District and Mountainside Development Overlay District Maps. The map amendments are also referenced as ZMAP 2005-0042 and ZMAP 2006-0002. A copy of the new zoning map has been filed with the Clerk of the Board and is to be maintained among the records of the County of Loudoun along with this resolution. The Office of Mapping & Geographic Information is authorized and directed to generate a revised map as necessary to reflect any other rezonings and any town boundary changes as of the date of adoption. The map shall include any changes or corrections approved by the Board as amendments to this Resolution, offered at the time of adoption and reflected in the minutes.

Section 2. Adoption of Zoning Ordinance. Amendments to the text of the Loudoun County Zoning Ordinance are hereby adopted. The amendments (a) are referenced as ZOAM 2005-0002, (b) are included in the draft dated July 18, 2006, along with the changes and corrections as directed by the Board of Supervisors on September 6, 2006 and listed in the Addendum included with staff report for the November 29, 2006, public hearing; (c) include the reenacted Floodplain Overlay District regulations (Section 4-1500) and Mountainside Development Overlay District regulations (Section 4-1600); and (d) incorporate any changes or corrections adopted at the December 5, 2006 meeting. Except as provided by the revisions, deletions and additions in these amendments, the remaining provisions of the Loudoun County Zoning Ordinance, as amended prior to this action, are retained. A copy of the amendments is to be maintained by the Clerk among the records of the County of Loudoun along with this resolution.

Section 3. Adoption of Amendments to the LSDO and FSM. Amendments to the LSDO and FSM are hereby adopted. The amendments are referenced as DOAM 2005-0003 and are included in the draft dated July 20, 2006.

Section 4. Authorization of Zoning Administrator to Make Clerical Corrections. The Zoning Administrator is hereby authorized and directed to make clerical changes to the Loudoun County Zoning Ordinance and Map, if necessary, for (a) correction of typographical or scrivener's errors and (b) appropriate section numbers and headings associated with codification of the amendments.

Section 5. Findings. The adoption of the amended zoning map and text is in furtherance of the public necessity, convenience and general welfare, is consistent with good zoning practice, is in substantial conformance with the County's comprehensive plan, and is enacted after substantial community discussion and debate. The Board has given due consideration to the matters and purposes set out in the Code of Virginia for such action. Without limiting the foregoing, the Board finds that the map and text are in substantial conformance with the comprehensive plan for the County.

Section 6. Transitional Rules.

a. If the Department of Building and Development has notified a landowner or his designated representative in writing, prior to the effective date of these amendments, that a pending subdivision, site plan, or boundary line adjustment application is approved as to form subject to the circulation of plats, plans, deeds or any other legal documents for signature, then the Director of Building and Development shall approve and execute those plats and plans approved as to form and complying with the prior zoning regulations, provided that fully executed copies of approval documents are submitted within 30 days after the effective date of this ordinance.

b. If the Department of Building and Development has notified a landowner or his designated representative in writing, prior to the effective date of these amendments, that a pending record plat or preliminary/record plat is approved as to form subject to the submission and approval of a performance agreement and bond, then the Director of Building and Development shall release that approved plat after the bond and agreement have been executed and accepted by the County.

c. Without limitation, the Board of Supervisors or its designated agents must observe and apply the statutes providing for the recognition of vested rights (Va. Code § 15.2-2307), the period of validity of preliminary subdivisions (Va. Code § 15.2-2260(F)), the period of validity for record plats and final site plans (Va. Code § 15.2-2261), and the grandfathered status of proffered rezonings (Va. Code § 15.2-2303).

d. Other transitional rules are included in Article I of the Loudoun County Zoning Ordinance, including provisions for non-conforming uses.

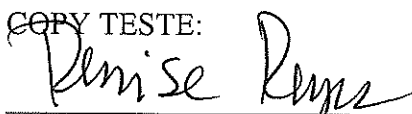
Section 7. Effective Date. The new Loudoun County Zoning Ordinance and Loudoun County Zoning Map as adopted in Sections 1 and 2 are effective as of 12:00 AM, Wednesday, December 6, 2006.

Section 8. Severability. Any provision of these ordinance amendments shall be separable and severable in accordance with Section 1-103(J) of the Loudoun County Zoning Ordinance.

Voting In Favor: Supervisors Clem, Delgaudio, Snow, Staton, and Tulloch.
Voting Against: Supervisors Burton, Kurtz, Waters, and York.
Abstaining: None.

Date: December 5, 2006.

COPY TESTE:



DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS